



NEW YORK STATE SENATOR

Liz Krueger

## Testimony Before the New York City Council Subcommittee on Zoning on the MoMA/Hines West Fifty-Third Realty, LLC Applications for Special Permits at 53 West 53rd Street on October 6, 2009

LIZ KRUEGER July 15, 2010

My name is Liz Krueger and I am the State Senator representing the 26th State Senate District, which includes the MoMA/Hines West Fifth-Third Realty property located at 53 West 53rd Street. I appreciate this opportunity to comment on the applications for the special permits for the property, a project known as Tower Verre, planned as a mixed use building.

Tower Verre, which has been described as an 85-story asymmetrical, twisting, glass, needle rising over 1,000 feet in the air is to be situated mid-block in an already densely populated area. Tower Verre would be grossly out of scale with the other buildings in the area, including the landmarked Rockefeller Apartments on West 54th Street as well as the landmarked Eero Saarinen designed CBS building on 53rd Street. As currently designed, Tower Verre would also overwhelm the area's infrastructure and services.

On March 13, 2008, and more recently on June 11, 2009, Manhattan Community Board 5 overwhelmingly passed a resolution urging both the Landmarks Preservation Commission and the Department of City Planning to deny the transfer of 275,000 square feet of

development rights from St. Thomas Church, under section 74-711 of the zoning resolution, as well as the 136,000 square feet of development rights from the University Club, under section 74-79 of the zoning resolution, to the proposed Tower Verre.

I continue to support Community Board 5's resolutions. It is my belief that neither of the preservation plans for the landmarked properties, as described in the applications, alleviates the public burden of the proposed development. The Land Use and Landmarks committees as well as the full board of Community Board 5 have given this project considerable and thorough review. I have been very impressed with the careful consideration of the Board and its deliberative process during the hearings about this project. Both committees unanimously, and the full board overwhelmingly, recommended denial of application for two Special Permits under Sections 74-79 and 74-711 of the Zoning Resolution.

As neighbors of MoMA and the Tower Verre project, the West 54-55th Street Association has tirelessly researched and documented inconsistencies in the application for the two Special Permits and the Draft Environmental Impact Statement. Their dedication to protecting one of New York City's most historically significant blocks is to be applauded.

I would like to reiterate comments I made regarding Tower Verre in testimony delivered to the Landmarks Preservation Commission on April 8, 2008 and more recently to the City Planning Commission on July 22, 2008.

I am not opposed to well planned, functional, urban development and I appreciate the desire of MoMA and Hines Realty to proceed with reasonable plans for the development site. MoMA and Hines Realty together have an opportunity in Tower Verre to forge a partnership to design a superb, well-planned urban development if they are willing to take into consideration the legitimate concerns of the surrounding community and the comments of Community Board 5. However, if not planned carefully, this project will overwhelm the

scale and services of the surrounding neighborhood. The construction of such a large tower mid-block would also establish a dangerous zoning precedent for the entire community.

While many people think of Midtown simply as a commercial Central Business District, the area also has numerous thriving residential communities that must be protected.

I understand that on September 9, 2009 the City Planning commission issued its approval of the application with the condition that “to minimize the adverse effects on the character of the surrounding area the Commission is modifying the application to reduce the height of the building to 1,050 feet.....or as-of-right according to existing zoning.” While this reduction of 200 feet is an improvement, Tower Verre’s design would still not relate harmoniously with the neighborhood, nor will the materials, design, scale and location of bulk in the building relate to the adjacent landmark buildings.

Following are comments on several aspects of the Tower Verre project that still are of particular concern and importance to my constituents.

### **Traffic & Parking**

53rd and 54th Streets, which encompass the Tower Verre project, are designated as Midtown THRU Streets due to their high traffic volumes by the New York City Department of Transportation. The capacity of both streets is already severely stretched by existing development and institutions.

West 54th Street already has six loading docks with a seventh anticipated to accommodate the hotel in the new building. Although every proposed design alternative for the seventh loading dock has been met with reasons why they are not feasible, I am still concerned about another loading dock being added on a block already heavily taxed with delivery and through traffic. The existing loading docks are not currently used by MoMA with the museum insisting that a full complement of security is needed each time a loading dock is

used. Trucks are usually parked on the street while they are loaded or unloaded. The six existing loading docks need to be used more efficiently and a sharing agreement with Tower Verre should be explored.

### **Transit & Pedestrians**

After MoMA's last expansion of 40,000 square feet, attendance grew from 1.8 million to 2.5 million visitors. The proposed expansion would be of a similar size. The City Planning Commission's statement this expansion of MoMA is not likely to increase attendance is simply inconceivable. While I am a strong supporter of MoMA, and fully understand its desire to display more of its collection, I am concerned about the ability of the surrounding streets to handle the increased pedestrian traffic. Tower Verre will also have a steady stream of hotel and restaurant patrons, residents and tourists coming and going. In accordance with the Borough President's recommendations, MoMA should be prepared to explore ways to help alleviate visitor traffic.

There is a lot of concern that 54th street is turning into a "back of operations" street for the museum and Tower Verre thereby changing the nature of a once residential block. Residents of both 53rd and 54th streets have recommended that Tower Verre create a public pass through as has been created in a number of buildings on 57th street and which will help enliven the block.

The New York City Council should consider these issues as well as the other concerns and proposals of my constituents, Community Board 5, affected neighborhood organizations and advocacy groups, and my fellow elected officials. I strongly encourage the City Council to ensure that any and all development at 53 West 53rd Street reflects the area's character and positively contributes to the community.

Thank you for your consideration of my views.